



YOUR GOALS. OUR MISSION.

KNPB-R3070

December 5, 2024

Via Email

MacKenzie Bittle, Planning Board Secretary  
Borough of Keansburg  
29 Church Street  
Keansburg, NJ 07734

**Re: Garage to Studio Apartment into Bedroom & Bathroom with Bulk Variance Requests  
Anthony Simone/Melissa Libbey  
6 Stella Drive  
Block 164, Lot 5  
Single-Family Residential (R-7) Zone  
First Engineering Review**

Dear Ms. Bittle:

As requested, we have reviewed the following plans and documents submitted in support of this application:

1. Plot Plan for 6 Stella Drive, undated.
2. Garage Conversion without Permits Original Layout, undated.
3. Plans for Renovation on Garage Conversion for 6 Stella Drive, undated.
4. Survey of Property, prepared by David J. Von Steenburg, P.L.S., of Morgan Engineering & Surveying, dated May 31, 2024, consisting of one (1) sheet.
5. Metes & Bounds Description prepared by David J. Von Steenburg, P.L.S., of Morgan Engineering & Surveying, dated May 31, 2024.
6. Planning Board Application dated October 1, 2024.
7. Letter of Denial, prepared by Kathy Burgess, Assistant Zoning Officer, of the Borough of Keansburg, dated August 23, 2024.

#### **A. Project Description**

The subject property is a corner lot located within the Single-Family Residential (R-7) Zoning District with road frontage along Stella Drive to the south. The existing lot currently contains a one-story, single-family residential dwelling with an associated driveway, walkway, and inground pool, and is adjacent to one-story residential dwellings to the east and north. The property is located in the "AE" Flood Zone, with a flood elevation of 11 feet.

The applicant is seeking approval to convert the existing 'Garage to Studio Apartment' conversion into a bedroom with a bathroom. The Applicant states in the submitted Planning Board Application that the previous owner converted the garage into a studio apartment without permits prior to this application. The applicant would like to keep the converted bedroom into a primary bedroom as part of the home by closing off the exterior door of the studio apartment and removing the stairs. No new structures will be built as part of this application, however a new 9' x 30' driveway is proposed on the property frontage to the west in addition to the existing driveway on the southerly frontage.



## B. Bulk Variance Required

The applicant has provided a handwritten sketch depicting the existing and proposed improvements on the property with a note stating that there are no plans to change setbacks and size of the dwelling. We note the survey of the property indicates a non-confirming front yard setback of 19.4 feet from the westerly property line to the existing dwelling, whereas 25 feet is required in the R-7 Zoning District. Therefore, front yard setback variance relief is required as an existing non-conformity. We also note that a new 9' x 30' driveway is proposed along the westerly frontage in addition to the existing driveway on the southerly frontage and other existing improvements on the property. The applicant shall provide a zoning table to indicate all required, existing and proposed bulk requirements of the R-7 Zoning District for the property and demonstrate that the lot coverage on the property will not exceed the required 40% maximum lot coverage of the R-7 Zoning District.

## C. Dimensional “c” Variance Considerations

**Upon hearing testimony and input from the public (if any), the Board should evaluate the positive and negative criteria set forth below to determine whether the Applicant has met its burden of proof for a “c(1)” or “c(2)” variance for the pre-existing non-conformities listed above, as well as variances per the below Sections of the Ordinance regarding construction of non-compliant structures, as listed below:**

- a. Section 22-5-2.c of the Ordinance states that no building or structure shall hereafter be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building or portion of a building or structure to be used, designed, or arranged to be used for any purpose unless in conformity with all of the regulations herein specified for the district in which it is located. **The existing single-family dwelling on the property is proposed to be altered and is not in conformity with all of the regulations of the R-7 Zoning District.**
- b. Section 22-5.4.e of the Ordinance states that standards and regulations shall be in accordance with the schedule referred to in Section 22-5. **The existing single-family dwelling on the property is not in accordance with the schedule referred to in Section 22-5.**

### 1. Positive Criteria for “c(1)” Hardship Variance

The finding of a “c(1)” hardship would address the following:

- a. *by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or*
- b. *by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or*
- c. *by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structure lawfully existing thereon, or the strict application of any regulations...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property.*

It should be noted that the finding of the hardship must be for the specific property in question (i.e., it must be unique to the area). Note also that a hardship variance cannot be granted by a self-created hardship or personal hardship of the applicant.



2. Positive Criteria for “c(2)” flexible variance

The finding of a “c(2)” flexible variance to permit relief from zoning regulations where an alternative proposal results in improved planning would address the following:

- a. *The purposes of the MLUL would be advanced by the deviation, and*
- b. *The benefits of the deviation from the zoning ordinance requirements would substantially outweigh any detriment.*

The finding of the benefits must be for the specific property in question—it must be unique to the area. The zoning benefits resulting from permitting the deviation(s) must be for the community and not merely for the private purposes of the owner. It has been held that the zoning benefits resulting from permitting the deviation(s) are not restricted to those directly obtained from permitting the deviation(s) at issue; the benefits of permitting the deviation can be considered in light of benefits resulting from the entire development proposed. Notwithstanding the above, the Board should consider only those purposes of zoning that are actually implicated by the variance relief sought.

3. The Municipal Land Use Law (NJSA 40:55D-70) requires the applicant to satisfy *both* components of the negative criteria:

- a. *The proposal will not create a “substantial detriment to the public good”;* and
- b. *The proposal will not create a “substantial detriment to the zone plan and zoning ordinance.”*

**D. Technical Engineering Review**

1. The applicant shall provide a zoning table to indicate all required, existing and proposed bulk requirements of the R-7 Zoning District and demonstrate that the lot coverage on the property will not exceed the required 40% maximum lot coverage of the R-7 Zoning District.
2. The applicant shall provide a floor plan to indicate the total number of bedrooms and demonstrate off-site parking requirements for the site in accordance with Section 22-9.3.a(2).
3. Provide a concrete apron for the proposed driveway in accordance with Section 15-2.4c.
4. Provide a construction detail for the proposed driveway meeting the specifications of Section 15-2.4.
5. The property is located within the "AE" flood zone with a Base Flood Elevation (BFE) of 11 feet. We defer further review to the Flood Plain Administrator and Construction Official for any applicable building requirements accordingly.
6. The project site is located in the Coastal Area Facilities Review Act (CAFRA) Zone. The applicant shall comply with any applicable NJDEP requirements. We defer further review to NJDEP.
7. The proposed area of disturbance is less than 1 acre, does not result in a 0.25 acre increase in impervious coverage, nor result in a 0.25 acre increase in regulated impervious surface, therefore, the project is not considered a “major development” as defined by N.J.A.C. 7:8, and is not subject to the NJDEP Stormwater Management standards.



8. The applicant shall confirm that there will be no adverse drainage impacts to adjacent properties because of the proposed improvements.
9. If approved the applicant will be required to post all performance guarantees and inspection escrow as stipulated in the Development Regulations.

We reserve the opportunity to further review and comment on this application and all pertinent documentation, pursuant to testimony presented at the public hearing. If you have any questions or require additional information, please call.

Very truly yours,

T & M ASSOCIATES

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ROBERT F. YURO, P.E., C.M.E.  
BOROUGH OF KEANSBURG  
PLANNING BOARD OF ADJUSTMENT ENGINEER

RFY:STF:LZ

cc: Kevin Kennedy, Esq., Board Attorney, email: kennedylaw@verizon.net  
Ed Striedl, Zoning Officer, email: ed.striedl@keansburg-nj.us  
Kathy Burgess, Assistant Zoning Officer, Kathy.burgess@keansburg-nj.us